

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 IN RE BARD IVC FILTERS
9 PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641 -DGC

10 This Document Relates to:
11 Civil Action No.: 2:17-cv-02479-DGC
12 TERRY EVANS

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

13 Plaintiff(s) named below, for their Complaint against Defendants named below,
14 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

15 Plaintiff(s) further show the Court as follows:

- 16 1. Plaintiff/Deceased Party:

17 Terry Evans

- 18 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
19 consortium claim:

20 Laurie Evans

- 21 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
22 conservator):

Not Applicable

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

California

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

Central District of California, Santa Ana Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

On or about May 10, 2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of California Law Prohibiting Consumer Fraud
and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 7th day of August , 2017.

2 **LOPEZ McHUGH LLP**

3 By: /s/Matthew R. Lopez
4 Ramon Rossi Lopez (CA Bar No. 86361)
5 (admitted *pro hac vice*)
6 Matthew Ramon Lopez (CA Bar No. 263134)
7 (admitted *pro hac vice*)
8 100 Bayview Circle, Suite 5600
9 Newport Beach, California 92660

7 *Attorneys for Plaintiffs*

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on this 7th day of August, 2017, I electronically transmitted the
11 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
12 of a Notice of Electronic Filing.

13
14 /s/Matthew R. Lopez